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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT JONES,)	NO. C 07 3054 JSW
)	
Plaintiff,)	DEFENDANTS' JOINT CASE
)	MANAGEMENT STATEMENT
vs.)	
)	Date: September 12, 2008
NAPA POLICE DEPARTMENT, COUNTY OF)	Time: 9:00 a.m.
NAPA, CITY OF NAPA; MICHELLE JONES;)	Courtroom 2, 17 th Floor
THOMAS TOLER, dba Toler Bail Bonds; JOSE)	Hon. Judge Jeffrey S. White
ROSSI; and DOES 1-100, individually and as)	
employees or agents of the City or County of Napa,)	
)	
Defendants.)	

Efforts were made to meet and confer with plaintiff Robert Jones concerning the Joint Case Management Statement, both by telephone and by letter. Plaintiff did not respond, but filed his separate Case Management Statement. Defendants, therefore, submit the following statement.

1. Jurisdiction and Service:

No issues exist with regard to jurisdiction or service.

JOINT CASE MANAGEMENT CONFERENCE STATEMENT
CASE NO. C 07 3054 JSW

1 2. Facts:

2 Plaintiff contends that he was wrongly arrested and illegally searched on March 15, 2005. He
3 further alleges that several defendants conspired in his conviction on felony charges arising out of
4 this arrest.

5 Defendants generally and specifically deny plaintiff's version of events. Defendants contend
6 that plaintiff was legally searched and lawfully arrested by Napa City Police officers for felony
7 vandalism at the Napa County Register office in Napa, California. Defendants contend that plaintiff
8 was convicted on these charges in December 2005.

9 3. Legal Issues:

10 _____Plaintiff alleges civil rights violations arising from his arrest. He further alleges in his
11 complaint several state claims, including "Conspiracy, Assault, Battery, Intentional Infliction of
12 Emotional Distress, Interference With Future Economic Advantage, Slander, Libel and Grand
13 Theft." Plaintiff seeks compensatory and punitive damages.

14 Defendants generally and specifically deny plaintiff's allegations. Defendants County of
15 Napa, Jose Rossi, City of Napa and Napa Police Department have filed F.R.C.P. 12(b)(6) motions to
16 dismiss plaintiff's complaint scheduled for hearing September 12, 2008.

17 County of Napa and Jose Rossi contend that these defendants had no involvement in
18 plaintiff's arrest or the search of plaintiff. City defendants assert that the wrongful arrest claim is
19 barred as the result of plaintiff's conviction on felony charges arising from the arrest. (Heck v.
20 Humphrey, 512 U.S. 477, 114 S.Ct. 2364 (1994).) Allegations against Rossi are barred on the basis
21 of prosecutorial immunity. (Imbler v. Pachtman, 424 U.S. 409, 96 S.Ct. 984 (1976).)

22 City defendants further contend that the remainder of plaintiff's claims either fail to state a
23 cause of action or are time barred.

24 4. Motions:

25 FRCP 12(b)(6) motions filed on behalf of County of Napa and City of Napa defendants are
26 set for hearing on September 12, 2008. If any part of the case survives, defendants anticipate a
27 motion for summary judgment.

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1 5. Amendment of Pleadings:

2 None are currently anticipated.

3 6. Evidence Preservation:

4 Except as maintained in the ordinary course, the parties do not propose any particular
5 measures are required to preserve evidence relevant to issues reasonably evident in this action.

6 7. Disclosures:

7 The parties will make a full and timely initial disclosure of witnesses and documents as
8 required by Fed. R. Civ. P. 26(a) and the case schedule ordered in this action.

9 8. Discovery:

10 Defendants anticipate that discovery will include a deposition of the plaintiff.

11 The parties submit that discovery should proceed pursuant to Federal Rule of Civil Procedure
12 26 and 29-37. The parties further suggest that the parties proceed with Rule 26(a) initial disclosures
13 by September 30, 3008. The parties do not believe that a Rule 26(f) discovery conference is
14 necessary in this matter, and the parties should simply proceed with initial disclosures.

15 9. Class Actions:

16 No applicable.

17 10. Related Cases:

18 The parties are unaware of any other case related to the instant matter.

19 11. Relief:

20 Plaintiff seeks compensatory and punitive damages.

21 12. Settlement and ADR:

22 The defendants are willing to stipulate to an Early Neutral Evaluation.

23 13. Consent to Magistrate Judge for All Purposes:

24 The parties will consent to have a magistrate judge conduct all further proceedings, including
25 trial and entry of judgment.

26 14. Other References:

27 The parties do not suggest that this case is suitable for any other reference.

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15. Narrowing of Issues:

The parties have not presently identified any issues that can be narrowed by agreement.

16. Expedited Schedule:

The parties do not propose that this is the type of case that can be handled on an expedited basis with streamlined procedures.

17. Scheduling:

The parties propose the following cutoff dates:

Non-expert discovery completed by February 2, 2009;

Expert witness disclosure and reports by February 10, 2009

Disclosure of experts and reports for experts intended solely for rebuttal on or before February 24, 2009;

Expert discovery completed by March 10, 2009;

All motions, except for motions for continuances, temporary restraining orders or other emergency applications, be filed by April 14, 2009;

Pre-trial conference June 9, 2009 at 2:00 p.m.;

Trial July 7, 2009.

18. Trial:

The parties request that this case be tried to a jury and anticipate the length of trial to be 5 days.

19. Disclosure of Non-Party Entities or Persons:

Defendants' Certificate of Interested Parties or Persons is filed concurrently herewith and, pursuant to Local Rule 3-16, provides: [Defendants] certify that as of this date, other than the named parties, there is no such interest to report.

20. Other Matters:

The parties submit that the information set forth above encompasses all of the matters which may be conducive to the just, efficient and economical determination of the action.

///

///

1 Date: September 4, 2008

2 JONES & DYER

3 By: /s/ Mark A. Jones

4 MARK A. JONES

5 KRISTEN K. PRESTON

6 Attorneys for Defendants Jose Rossi
and County of Napa

7 Dated: September 4, 2008

8 NAPA CITY ATTORNEY'S OFFICE

9 By: /s/ David C. Jones

10 DAVID C. JONES

11 Attorneys for Defendants City of Napa and
12 Napa Police Department

PROOF OF SERVICE BY MAIL

CCP Sections 1013a, 2015.5 and Rules of Court, Rule 2008

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of eighteen years and not a party to the within entitled action; my business address is 1800 J Street, Sacramento, California, 95814.

On this date, I served the foregoing documents described as follows: **DEFENDANTS' JOINT CASE MANAGEMENT STATEMENT** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

FOR PLAINTIFF:

Robert J. Jones, In Pro Per
2063 Main Street, Suite 222
Oakley, CA 94516-3302
(209) 204-5520

____ (BY FEDERAL EXPRESS) I caused such envelope to be delivered by hand to the offices of the addressee(s) via Federal Express.

☒ (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the U.S. Mail at Sacramento, CA.

____ (BY PERSONAL SERVICE) I caused such envelope to be hand delivered to the above address.

____ (BY FAX) by transmitting by facsimile copying machine a true copy thereof to telephone number _____ known or represented to me to be the receiving telephone number for facsimile copy transmission of the parties/person/firms listed above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 4, 2008 at Sacramento, California.

/s/ Mary Alice Myers
MARY ALICE MYERS